

**ST. MARY'S UNIVERSITY COLLEGE**

**FACULTY OF LAW**

**LL. B THESIS**

**ADMINISTRATION OF RENTAL HOUSE OF ADDIS ABABA**

**CITY ADMINISTRATION LIDETA SUB CITY**

**THE LAW AND THE PRACTICE**

**BY**

**MIHIRET MEKONEN**

**ID NO ELD 1006/99**

**JULY 2010  
SMUC  
ADDIS ABABA**

ADMINISTRATION OF RENTAL HOUSE OF ADDIS ABABA  
CITY ADMINISTRATION LIDETA SUB CITY  
THE LAW AND THE PRACTICE

BY  
MIHIRET MEKONEN  
ID NO ELD 1006/99

ADVISOR  
TESFAYE G.

SUBMITTED IN PARTIAL FULFILLMENT OF THE  
REQUIREMENT FOR THE BACHELORS DEGREE OF LAW (LL.B)  
AT THE FACULTY OF LAW  
ST. MARY'S UNIVERSITY COLLEGE

JULY 2010  
SMUC  
ADDIS ABABA

## ACKNOWLEDGMENTS

At the very beginning, I would like to express my heart felt gratitude to my advisor Ato Tesfaye G. who spent his precious time in giving me constructive suggestions and comments. Without his valuable assistance, guidance and criticism, this paper wouldn't come out in its present form.

My appreciation also goes to my brother Gizaw Tesfaye, my husband Gezahene, my entire family and my classmates for their unreserved assistance while in writing this paper. Moreover, I also thank the Lideta Sub City staff members for their invaluable assistance in providing the necessary information.

# TABLE OF CONTENTS

<i><b>Title</b></i>	<i><b>Page</b></i>
Acknowledgment.....	i
Table of Content .....	ii
Introduction .....	i
 <b>CHAPTER ONE</b>	
<b>ADMINISTRATION OF RENTAL HOUSE GENERAL</b>	
1.1. Rental House in General.....	1
1.2. The Right to House .....	1
1.3. Proper Administration of rental House .....	7
 <b>CHAPTER TWO</b>	
<b>ADMINISTRATION OF RENTAL HOUSE UNDER ETHIOPIAN LAWS</b>	
2.1. Administration of Rental House under Ethiopian Laws .....	12
2.2. Transfer and Contracts of Rental Houses of Addis Ababa City Administration, Under Regulation No 11/ 1996 .....	17
 <b>CHAPTER THREE</b>	
<b>ADMINISTRATION OF RENTAL HOUSES OF ADDIS ABABA</b>	
<b>CITY GOVERNMENT LIDETA SUB CITY</b>	
3.1. Practical Administration and Problems of Rental Houses of Addis Ababa City Government Lideta Sub City .....	19
3.2. Problems of Administration of Rental Houses of Addis Ababa City Government Lideta Sub City.....	24
Conclusion and Recommendations.....	25
End Notes	
Bibliography	
Appendices	

## Introduction

Everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including food, clothing, housing and medical care and necessary social service. It indicates that, the government has so many activities done to its citizens. It has a lot of functions. One of its functions is to provide shelter for the needs. To achieve this function, it provides home by sale or by rent.

With regards to rental house the government should transfer houses according to the law. And it has to administer the houses properly. But when we see the situation in Addis Ababa City Administration, it owned a lot of houses. But due to several causes it can not administer them legally and properly.

This senior essay tries to investigate the problems of practical application of administration of rental houses of Addis Ababa City Administration particularly in Lideta Sub City. In the course of undertaking the research, a systematic designed and well-articulated questionnaire have been employed and distributed to the concerned bodies. Such as:

- The ten Kebeles of Lideta Sub City Housing Agency
- Lideta Sub City Housing Agency

Moreover, interviews have been conducted with the persons who rented the house, workers and heads of the housing agencies of Lideta Sub City.

Therefore, chapter one deals with the general concept administration of rental house. It also deals with the right to house and proper administration or rental house.

The second chapter examines administration rental houses under Ethiopian Laws and transfer and contracts of rental houses of Lideta Sub

City of Addis Ababa City Administration under Regulation No. 11/ 1996.

The third chapter treats practical administration of rental house in Addis Ababa City Government Lideta Sub City. It tries to give answers to different questions. Such as:

- How do the housing agencies of Lideta Sub City Administer Rental Houses of the Kebele? Do they have data?
- Do the housing agencies transfer keblee houses legally?
- Do they conclude contract from each persons who rent the kebele house?
- Do they collect rental fee properly?
- Do they maintain those houses timely?

And finally, this chapter tries to identify the basic problems and offer recommendations.

# CHAPTER ONE

## Administration of Rental House in General

### 1.1. Rental House in General

Rental House can be defined as property that is leased or rented out or let, a piece of property available for renting. As the Oxford Pocket Dictionary rent can be defined as the action of renting something, it is a stated return or payment for the temporary possession or use of a house, land, or other property, made, usually at fixed intervals, by the tenant or user to the owner, real estate or other property yielding an income, income; revenue and an additional amount paid or accruing to the owner of an economic resource, as a tract of land, that is the result of some special or unique attribute, as a desirable location.

So we can get temporary possession and use of (a house, land, etc.) by paying rent. According to article 2896(1) of the civil code rent is defined as the lease of an immovable in a contract whereby one of the parties the lessor, undertake to ensure to the other party, the lessee, the use and enjoyment of an immovable, for a specified time and for a consideration fixed in kind or otherwise.

### 1.2. The Right to Housing

Shelter is one of our most basic needs, according to the charter of the United Nation.

*"With a view to the creation of conditions of stability and well being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nation, shall promote.*

- a. Higher standards of living, full employment, and conditions of economic and social progress and development;*
- b. Solutions of international economic, social, health, and related problems and international culture and educational co-operation; and*
- c. Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.<sup>1</sup>*

Everyone shares the right to a decent standard of living. Essential to the achievement of this standard and therefore to the fulfillment of human life beyond simple survival is access to adequate housing. Housing fulfills physical needs by providing security and shelter from weather and climate. It fulfills psychological needs by providing a sense of personal space and privacy. It fulfills social needs by providing a gathering area and communal space for the human family, the basic unit of society. In many societies, it also fulfills economic needs by functioning as a center for commercial production.

The human right to adequate housing is the right of every woman, man, youth and child to acquire and sustain a secure home and community in which to live in peace and dignity. The right to housing is codified as a human right according to the Universal Declaration of Human.

*"Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control<sup>2</sup>."*



The right to housing is included in several international legally-binding documents. Among the most significant of these is the International Covenant on Economic, Social, and cultural Rights (article 11.1), which determines that:

***"The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions<sup>3</sup>.***

Additionally Universal Declaration of Human Rights (1948) (article 1, 2, 25) The Universal Declaration asserts the fundamental equality and dignity of each human being in its first article.

Its second article, known as the principle of non-discrimination, means in the context of the right to housing that every individual and group in society has the same entitlement to housing, regardless of gender, age, race, ethnicity, religion, political or other opinion, national or social origin, property, etc. This article especially supports the equality with regard to housing of traditionally disadvantaged groups, such as racial minorities and women. Additionally, in article 25(1), the Universal Declaration also states the right of each person to an adequate standard of living. This standard includes the right to housing.

Every human being has the right to shelter. Without it, it is almost impossible to carry on any other kind of activity. People experiencing homelessness face violations of a wide range of human rights. Access to safe and secure housing is one of the most basic human rights. Currently people live in absolute homelessness. A person who is homeless may be facing violations of the right to an adequate

standard of living, the right to education, the right to liberty and security of the person, the right to privacy, the right to social security, the right to freedom from discrimination, the right to vote, and many more.

These human rights are protected by a number of international human rights treaties, including the International covenant on civil and political rights (ICCPR), the international covenant on economic, Social and cultural rights (ICESCR) and the convention on the rights of the child (CRC).

Every person has the right to an adequate standard of living, which includes the right to adequate housing<sup>4</sup>.

The right to housing is more than simply a right to shelter. It is a right to have somewhere to live that is adequate. Whether housing is adequate depends on a range of factors including:

Legal security of tenure, availability of services, materials, facilities and infrastructure, affordability, accessibility, habitability, location, cultural adequacy.

Additionally, adequate housing is essential for human survival with dignity. Without a right to housing many other basic rights will be compromised including the right to family life and privacy, the right to freedom of movement, the right to assembly and association, the right to health and the right to development, the right, to housing is recognized and supported in several international and national documents.

Governments should provide adequate housing for their people, not only because it is their right, but because it is an investment it helps to guarantee a healthy, satisfied work-force and defuses social pressures that might lead to civil unrest, but they also raise complicated questions about the extent of the obligations of governments to do so. The fact of shelter as a human need does not imply that governments must provide each one of their citizens with land, four walls and a roof. Controversy can therefore emerge over exactly what governments should do to help people exercise their rights and obtain housing. Government action is usually country-specific, and is dependent on a variety of economic, cultural, and social factors. In some cases, increasing access to education or to the labor market is the best way to ensure the right to housing, because the realizations of those rights mostly lead to greater access to housing. In other cases, it is necessary for governments to provide physical shelter directly to people. But regardless of past government action, in all countries there exist people who, because of personal issues such as physical or emotion incapacity, environmental issues such as natural disasters or famine, or social issues such as war or political instability, are unable to obtain housing for themselves. In those situations, governments are obligated to help make housing accessible.

Currently Many countries provide the necessary number of permanent housing units or rental houses for homeless families with children so that the amount of permanent and emergency housing is sufficient to meet the temporary-housing. Mainly developed countries provide emergency shelter for all homeless men needs of homeless families; and (3) the City to operate at least one 24-hour emergency

countries that cannot afford to provide houses for their poor can support people to build their own - or can make squatter settlements and shanty towns official, providing basic services like sanitation and clean water. In this regard some countries have a good result.

***"Costa Rica has consistently had a good housing record but the Government embarked on a four-year program between' 1986 and 1990 to improve living standards and build 80,000 new dwellings. Low-income families are given housing loans with repayment schedules based on their ability to pay - no more than 30 per cent of the family income can go towards loan repayment. All housing projects funded by the Government must include adequate basic services. And people are encouraged to build their own homes using locally produced building materials such as bamboo<sup>5</sup>."***

The new government in Chile also deserves an award for seriously attempting to deal with the shelter needs of all its people by increasing money to the housing sector and by subsidizing the poor. Its main goals are to improve sanitation, reduce overcrowding and meet basic needs. And a measure of the success of its housing program is that infant mortality has decreased while sanitation conditions have improved in the last few years.

The current housing program encourages people to build their own houses-focusing on unskilled women as a priority. And new settlements are being planned with particular care in areas vulnerable to natural disasters.

In our country also the government tries to provide adequate housing for their people. So the It prepare condos house project as well as encourages people to build their own houses through housing association and encourages real states to build their own houses.

### 1.3. Proper Administration of Rental House

Houses can be rented and by the owner or by the agent rental houses can be administered by the owner or the agent. So in order to administer rental house the administrator of the rental house has to follow or accomplished every principled listed in the above.

#### **Principles of Successful Rental Property Management**

***When the agent accomplished his task he gets a lot of benefits.***

***Benefits of Good Management are listed below***

- On-time payment of rent
- Improve resident quality
- Stabilize income
- Reduce turnover
- Control expenses
- Improve financial performance
- Less property wear and tear
- Allow for property improvements
- Enhance property values
- Be proactive, not reactive
- Better relationships with neighbors
- Fewer police calls
- Fewer late night phone calls<sup>6</sup>

In order to get the above benefits, the administrator of rental houses should accomplished different activities. Such as:

***The administrator of rental houses should Screen All Applicants.*** There is simply no substitute for carefully screening all applicants. A surprising number of people have poor credit, bad

rental history, or criminal records. Not renting to people with such records is an important part of having a stable and profitable property. You may charge a reasonable application fee. There are also special rules for pre-lease deposits.

***The administrator of rental houses should Screen All Applicants Written or announce Screening Criteria.:*** Write down qualification standards. Some cities require that a copy of your qualification standards be given to applicants. Not writing down your standards and / or following them puts you at risk of inconsistent results and possibly a discrimination claim.

Criteria to consider:

***Income:*** People without verifiable sources of income are less likely to pay rent.

***Rental History:*** Verify whether your applicant paid rent on time, violated a lease, or damaged a prior apartment. Screening services can check whether your applicant has previously been evicted from an apartment. Applicants with poor rental histories are more likely to cause you problems.

***Criminal Record:*** Check criminal records wherever an applicant has lived. Minnesota BCA records are incomplete and include only the more serious crimes. Consider paying extra for county level searches that include less serious crimes.

***Check Identification:*** Carefully compare the information on the application with an applicant's photo ID. Note any discrepancies. People may omit addresses or misstate names, addresses, or birthdays in an attempt to cover up their past.

***The administrator of rental houses should use Written Lease***

Use a written lease. You are required to do so if the property has 12 or more apartments.

***The administrator of rental houses should Limit Number of***

***Occupants:*** Having additional people at a property causes extra wear and tear. Consider limiting the number of occupants that are permitted. However, be aware that "families" are protected by discrimination laws. If an applicant has children in the household, a strict standard for number of occupants may be illegal. A standard of two persons per bedroom is common.

***The administrator of rental houses should control***

***Unauthorized Occupants:*** Do not allow anyone you have not screened and approved to move in. It is not uncommon for someone with a poor record (especially a criminal record) to try to avoid being screened.

***The administrator of rental houses should not Discriminate:*** it

is illegal to discriminate on the basis of race, creed, color, national origin, religion, sex, sexual orientation, marital status, familial status, status with respect to receipt of public assistance, or disability. Some cities have designated additional protected classes.

***The administrator of rental houses should Know Your***

***Residents:*** Be aware of how your residents behave. Monitor police reports provided by the city.

***The administrator of rental houses should Visit Your Property.***

Rental real estate is not a passive investment. You need to be available for emergencies and problems at all times. Visit and inspect

your property only by visiting often can you know what needs your attention.

***The administrator of rental houses should Maintain Your Property:*** Keep up the property. Desirable residents will not live in a poorly maintained property.

***The administrator of rental houses should follow some special rules for Condos and Associations:*** Some condominium and homeowner associations restrict or prohibit owners from leasing to others.

***The administrator of rental houses should control the use of Smoke and CO Detectors.*** Make sure that you have functioning smoke detectors at your property. Carbon monoxide detectors are or will be required in most houses, condominiums, and apartments.

By the end of each year, ***the administrator of rental houses should*** required to give a certificate of rent paid to each of your residents from the prior year. Forms and instructions are available on the Minnesota Department of Revenue website.

***Additionally:*** If a resident does not pay rent or has otherwise violated the lease, the only way a landlord can force him or her to leave is by bringing an eviction action in court. It usually takes about two weeks to evict a resident. It is illegal for a landlord to otherwise force a resident from the property (e.g. changing locks, shutting off heat). It may be quicker and easier to make a deal with the resident to leave voluntarily in order to avoid an eviction.



***The administrator of rental houses should Collect Past Due***

***Debts:*** You may collect for unpaid rent and damages by bringing a case in conciliation court. Alternatively, you may turn over your claim to a collection agency, who will attempt to collect the debt on your behalf in exchange for a percentage commission. A list of member collection agencies is available on.

## CHAPTER TWO

### 2.1. Administration of Rental Houses under Ethiopian Law

Our country exercised different policies and strategies with regards to land and house. During the emperor's period, housing was a private affair. Any Ethiopian who could afford to build a house, had a right to own a house. This meant that only the affluent owned houses. The government provided housing to the poor on rent which was not up to town planning standards, leading to development of slums.

During the military period, 1974-91 after the 1974 revolution, socialist policies led to nationalization of houses and land. Each person was entitled to own only one house. Since there was no incentive to build houses, a shortage of houses occurred.

- o The government, gave land free of charge which promoted cooperative housing. But the result was the building of a wide range of houses of different standards.
- o The section dealing with nationalized houses collected rent from the Kebel owners whose rent was less than 100/month.

In the period from 1991 to date, urban housing is theoretically under private ownership. The constitution of the EPRDF recognize the ownership of the house. However, all nationalized houses still remain under the government. The policies are:

- o All rural and urban land belongs to the government.
- o Individuals can acquire land if they pay the required fees.
- o Urban land is leased to individuals on auction.

- o Land for owner occupied houses is free of charge provided a special conditions is met, this leaves out the poor who cannot afford the building costs.

Similarly to the above international documents, the Constitution of the Federal Democratic Republic of Ethiopia respect the right to house. It states that, *"to the extent the country's resources permit, policies shall aim to provide all Ethiopians access to public health and education, clean water, housing, food and social security"*<sup>1</sup>. But unfortunately most of the kebel houses are not built by the government to the poors, rather they are confiscated from individuals during Derge regime.

So the kebele administration administered these houses by transferring the house to the keblee resents through rent contract. In our country, there are some laws which deal with administration of government rental houses; for instance, agency for government houses establishment proclamation No. 555/2007 is the one that has different objectives:

1. To utilize government owned dwelling houses in accordance with the policy to be issued by the government;
2. To apply modern management systems and thereby administrator government houses in economical, efficient and effective manner;
3. To collect rent from government houses;
4. Where it is deemed necessary to engage in real estate development alleviate shortage of houses to the extent required for government uses;

5. To privatize government houses following lawful and efficient procedures;
6. To pay allowances to former owners of nationalized houses in accordance with the law<sup>2</sup>.

The proclamation gives power and duties to inform this proclamation to the agency for government houses. According to the proclamation the agency shall have the following powers and duties.

1. Rent out government houses under its control and collect the rent thereof;
2. Carry out necessary maintenance and repair works to preserve government houses;
3. Give and execute expulsion orders to tenants of government houses we have breached their obligations under this lease contracts and to persons occupying such houses without having any lease contracts; enforce, as may be necessary, the demolition of illegal construction works undertaken on government houses and possessions;
4. Pay allowances; in accordance with proclamation no. 47/ 1975, to persons whose extra houses are nationalized;
5. Study and implement the rate of rent for the agency's houses;
6. Where necessary, construct houses to be used for government services;
7. Undertake studies on the valuation and payment of compensation relating to government houses which the government has decided to privatize;
8. Execute the privatization of government houses in accordance with modalities approved by the government;

9. Pay appropriate compensation to former owners from the proceeds of the sale of government houses in accordance with the decision of the government;
10. Create conditions which facilitate the successful completion of the process of privatizing government houses and the payment of compensation;
11. Own property, enter into contracts, sue and be sued in its own name, including settlement of disputes through arbitration; and
12. Undertake such other duties necessary for the implementation of its objectives<sup>3</sup>.

When we come to the civil code, it contains some provisions concerned with rent contract of immovable property and contract of rental houses, to show a few articles: article 2945(1) of the civil code define rent as: the provisions of this section shall apply where the contract of lease relate to a house, furnished or unfurnished, a flat, a room or some except may not claim compensation from the agent on the ground that he acted outside the scope of his authority where such<sup>4</sup>. Third party to entering into the contract, took cognizance of the document evidencing the authority of the agent.

2946(1) model contracts for the lease of houses or flats situate within the territory of particularly commune may be drawn up by the municipal authorities.

Article (3) they may depart from such terms by express stipulations.

Art 2916 the lessor shall maintain the immovable in good condition and make there in during the currency of the lease such repairs as are necessary and are not repairs incumbent upon the lessee.

Art 2922(1) and (2)

1. The lessor may at any time satisfy himself that the lessee fulfills his obligations.
2. Such contract shall be exercised reasonably, without causing an excessive inconvenience to the lessee and without assuming a vexatious character.

Art 2951(1) (2) and (3)

1. Unless otherwise agreed, the rent shall be paid at the end of each quarter where the lease has been made for one or more years.
2. It shall be paid at the end of each month. Where the lease is of a shorter duration or made for an indeterminate period.
3. The rent shall in all cases be paid on the expiry of the lease.

Art 2931(1) and (2)

1. The lessor may require the termination of the lease. Where the lessee fails to fulfill his obligation so that the rights of the lessor are endangered.
2. In addition to or independently of such termination, he may claim damages in compensation of the loss which the non fulfillment of obligations on the part of the lessee causes to him.

Beside this, different city administration of the country, also have regulations and directives, which govern rental houses of the government. In this regard, we will see regulation No 11/ 1996 that is declared by the Addis Ababa City Administration, in the next topic.

## Transfer and Contract of Rental Houses of Addis Ababa City Administration, under Regulation No 11/1996

As it is mentioned in the above different city administration of our country have rules, that govern rental houses of the government. Regulation no 11/1996 is the one, that govern the administration of rental houses of the Addis Ababa City Administration.

This regulation is name as the regulation to administer the government houses of Addis Ababa City Administration. It has 12 numbers of articles. And as content it contains some issues. Such as:

- o Powers and duties of the housing agency
- o Amount of fee for the house
- o Above contract
- o Above illegal residence
- o About illegal construction
- o Collection of past fees
- o About subsidy and so on

To show the main provision of the regulation article 3 of the administration of the government house of Addis Ababa City Administration regulation No 11/ 1996; the Housing Agency of the Addis Ababa City Administration has the power and duties to enforce the regulation. According to the regulation the agency has the mandate to administer the government house, which is found under Addis Ababa City Administration.

Housing agency is established in each kebele so each housing agencies fund in each kebele has the duty to register kebele houses, conclude contract collect fees and if the person is not willing to pay the fee, they can terminate the contract and establish a case in the court.

According to article 5 of the regulation, any person who live in the kebele house has the duty to conclude contract.

As article 8 of the regulation tries to solve the problem of accumulated fees. Because of the negligence of the city administration and the failure of duty of the residence many residence do not pay rent fee for many years. So the regulation says they should pay that money in order to live in the house.

Article 9 of the regulation also proclaimed that the person who rent the house from the kebele, can not transfer the house to other person. As we see in the next chapter this situation is a usual practice.

According to article 10 of the regulation the agency can identify the persons who need support and try to allocate those houses to these persons.

Beside this, the city administration enact directives that helps to apply the regulation. It contain the detail provisions about how to transfer the house, how to pay rent fees how to pay accommodated house fees, how to set rent fees. How to amend and maintain the house, about illegal residence, transfer house to relatives, exchange of house and exchange of residence house to business house and etc.



## **CHAPTER THREE**

### **Administration of Rental Houses of Addis Ababa City Government Lideta Sub City**

#### **Practical Administration of Rental Houses of Addis Ababa City Administration Lideta Sub City**

As we have understand from the intention of the regulation No 11/ 1996, one of the main objectives to rent the house by the government is that, to allocate houses to the poors, through rent.

The main objectives of this thesis is to show the practical application of administration of rental houses of Addis Ababa City Government Lideat Sub City.

In the course of doing the research, a systematic designed and well-articulated questionnaire have been employed and distributed to the 3 concerned kebeles of the Lideta Sub City. The total No of respondents are three (3) these are:

The Kebele 15/16/17 and kebele 05/08 and kebele 01/18 housing agencies of Lideta Sub City and simultaneously the researcher asked 10 respondents of the kebele.

The researcher raised and provided different questions to the respondents. Such as:

- A. Do you believe that there is a gap of law?
- B. How do the housing agencies of Lideta Sub City Administer rental houses of the Kebele? Do they have every data?
- C. Do the housing agencies transfer the kebele houses properly?

- D. Do they conclude contracts from each persons who rent the kebele houses?
- E. Do they collect rental fees timely?
- F. Do they maintain those houses timely? and the like.

There are a lot of residential units, shops, cafeteria and restaurants in Addis Ababa and a vast majority of them owned and administered by the kebeles. When we see the data collected from the questionnaires in kebele 15/16/17 there are 1652 kebele houses. In kebele 05/08 there are 4060 and in kebele 01/18 there are 1589 kebele houses. Kebeles are the lowest level of city administration has different powers and functions such as:

A kebele shall be the center of development and direct popular participation as well as services may be delivered at that level.

It shall have powers and functions conferred by the city council specifically. The accountability of its council is to the residents of the respective sub-city and to the council thereof;

It shall create conditions in which the respective residents avail of services in their vicinity as close as possible.

It shall administer kebele houses and etc.

Therefore, to indicate the problems and possible solutions for administration of rental houses of the city of Addis Ababa, in particular Lideta Sub City, we can show each situation separately.

Most of the time the kebele houses are old houses, built from mud and wood, and found in the densely populated old and slum area, with the majority of the residents estimated to fall within the low income bracket. The fate of the building as the management of the building has not

received any communication to that effect from either the kebele or the district. To mention some of the problems of administration of rental house of the city of Addis Ababa:

### ***A. Maintenance of the House***

The Addis Ababa City Government, did not do any thing to improve the status of its house. Not only that but also it do not allow to the resident of the house to amend the house. That is why the houses seem very old and they are not comfortable to live in them.

But when we see laws the owner of the house should maintain the house. In this regard, most of the respondents said that, in most situation, the kebele administration do not maintain the kebele houses. And some times when the residents of the house try to maintain the house. in this case the kebele administration always to the residents of the house to maintain the house.

### ***B. Conclude Rent Contract***

The Addis Ababa City Government, do not have uniform way to make contract of rent. Contracts are legally binding commitment<sup>1</sup>.

Both the civil code and the regulation no 11/1996 declare that rent contact is necessary. The housing agency of each kebele should conclude contract with the person who rent the house. Rental contracts are necessary because they contain the name of the contract party and the right and duties of both contracting parties. So if one party fail his agreement, the contracts easily facilitate the settlement of the conflict, in the court of law. But as the information which has been gathered from the concerned bodies through questionnaires indicates that the kebele administration usually conclude contracts but it is not uniform many individuals do not conclude rent contract with the kebele housing

agency. Almost all the respondents of the questionnaires said that, some residents handover those houses illegally, in the past years. Currently the kebele administration tries to investigate this situation. And there is also unwillingness to conclude the contract upon the residents.

### ***C. Miss Management***

As we have seen earlier, the city administration has to transfer houses to the persons who are stated in the regulation. It has to register its houses. It has to follow every rules necessary for the administration of the house. It has to hold every necessary information about the house.

But unfortunately because of negligence, corruptions and mismanagements of the past kebele administration most of the kebele house do not under control of the kebele. The kebele administrations do not have every data about the house. The lessor of the house illegally transfer the house to other persons. Some times the officials of the kebele administration tries to help the individuals so as to transfer the title of the house illegally. The interview conducted with the residents also shows that<sup>2</sup>. Public authority may often act unlawfully<sup>3</sup>. Similarly, they transferred the house to the persons illegally. They help the persons who rented the business, by changing the business house to home. It also shows that they act out side of this power. It is called *ultravires*<sup>4</sup>. In this regard the respondents said the kebele administration are currently effectively administered the kebele houses. But residents still have claim mainly, with the transferable problem.

Besides, when those houses are left, the kebele administration did not have follow up system. Because of that the person may transferred the house to his relatives or any other person take those houses without the knowledge of the kebele administration.

This indicates that in the past decades the kebele houses did not transfer according to the law. The respondents of the questionnaires also state that because of the maladministration of the past most of the kebele houses are transfer illegally and currently offer the BPR the kebele administration try to investigate illegal owners, try to collect data and conclude contracts with the residents.

#### ***D. Collection of Rental Fee***

The revenue which local authorities raise for themselves includes partly of miscellaneous receipts such as rents, fees, and charges for service<sup>5</sup>.

The kebele administration also have the same right. But they did not collect rent fee timely. They did not have a strong mechanisms to identify those who do not pay and to force them to pay rent fee. According to the respondents of the questionnaires few illegal and those house which have court cases do not pay rent, but the rest have been paid.

Additionally there are a lot of cases decided by courts with regards to the rental fee, which are decided in favour of the defendants or residents. For instance, the case between Lideta Sub City Administration office Vs Zenebech G/mikael reminds us W/ro Zenebech did not pay the rent fee for about 6 years. So the Lideta administration claims rent fee total amount of (1737.6 per month for 6 years) 125,089.92 birr but she defend the sue by raising period of limitation then the court rejects the respondents response and decided that the respondent has to pay the rent fee. (See appendix)

So what we understand from this case is that the kebele administration did not collect rent fee timely.

## Problems of Administration of Rental Houses of Addis Ababa City Government Lideta Sub City

The Addis Ababa City administration, particularly each housing agencies of every sub cities has the responsibility to rent, to collect rent fee and to administer the kebele houses properly. But because of several other problems it does not administer its own houses properly. These problems include:

- o Lack of sufficient laws
- o Lack of awareness about laws among both the public officials and the residents of the town.
- o Lack of transparency among the kebele administration
- o Lack of enough adequate trained, skilled and committed workers
- o Less amount of payment of the workers may also lead to corruption.
- o Poor administrative feasibility do not have capacity to administer properly.
- o Unfair terminate of citizens.
- o They do not establish mechanisms for exchange of information with different institutions.
- o There is also lack of coordination with other offices.
- o There is also unwillingness to pay rent fee among the residence.
- o Weak mechanism of control and enforce the law and the rent contract. This situation may insist and encourage the residents to not pay their rent fees.

So these problems also lead to weak revenue generation to the kebele administrative and affect the other economic social and political situation as well as it affect the developmental activities of the kebele.

Generally, the finding of the research indicates that there is poor administration of kebel rental houses.

## **Conclusions and Recommendations**

According to the charter of the United Nations and other international documents every one has the right to a standard of living adequate for the health and well being of himself and of his family, including food, clothing, housing and etc.

Every person has the right to adequate standard of living, which includes the right to adequate housing. Counties provide permanent house or rental houses for poor and homeless families.

Similar, the constitution of the Federal Democratic Republic of Ethiopia states that to the extent the country's resources permit, policies shall aim to provide all Ethiopians access to public health and education, clean water, housing, food social security.

With regards to the right to housing, our government tries to solve the shortage of housing problem. Concerned to Addis Ababa City Administration each sub cities provide permanent houses and rental houses to the residence of the city.

The city administration should be administer the government houses properly. It should transfer, collect fee and manage the government houses according to the law.

Effective administration of kebele rental houses depends on different factors. These include the existence of effective administration. The presence of trained manpower, ethical and qualified officers and willingness and good attitudinal behavior of the people. But according to this research the kebele houses are not administered properly.

The findings of the research indicate that there was poor administration. The kebele administration does not register its own houses. It does not

have proper data about those houses. It does not conclude contracts of rent with the persons, who rented those houses. It does not collect rental fees timely. It does not transfer houses according to the law. It does not maintain the house. There was mismanagement, maladministration and corruption. There is lack of sufficient laws. There is lack of awareness about laws. Lack of adequate, trained, skilled and ethical workers, there is also weak mechanisms of control and enforce the law and the rent contract and so on. By applying BPR the kebele administration tries to solve those problems mentioned above. The poor administration has mismatched with the main objectives of the rule of right to house. Despite the existing problems, providing of houses to the society has a great importance. Therefore, based on the findings, the writer tries to suggest the following recommendations as solutions for those problems which have encountered during the practical implementation:

o ***Proper administration of rental house:***

The Addis Ababa City Administration Lideta Sub City should identify and register all kebele houses.

It should transfer the house according to the law. It should collect rent fee timely. It should control and investigate those people who fail to pay rental fee and who hold houses properly. It should conclude contracts with the residence.

o ***Education and Training:***

The Addis Ababa City Government and each sub cities have the responsibility to create awareness in the society and the officials.

o ***Trained manpower***

The housing agencies should be staffed with trained educated, ethical and diligent employees.

o ***Laws:***

In order to establish proper administration of governmental houses the city administration should enact laws. To do that it should



conduct public consultation with the residents as well as with the stakeholder.

o ***Administrative feasibility:***

The city administration should strengthen its capacity to administration its houses. It should coordinate with other concerned offices. It should establish mechanisms for exchange of information.

o ***Enforcement of Laws and Contracts:***

Education, training and other awareness creating mechanisms help to make the worker and people to obedient for their responsibilities. But some persons may not obey the law and the contract. In this cause civil and criminal measures or punishments helps to correct those who violet contracts or laws. Therefore, the city government should enforce the law and the contract by taking legal measures.

# Appendices

## END NOTES FOR CHAPTER ONE

1. Melander Goranf and Alfredsson Gudmundur, The Raul Wallenberg Compilation of Human Right Instruments, Martinus Nijhoff Publishers, 1997, p. 3
2. The Universal Declaration of Human Rights: article 25(1).
3. International Covenant on Economic, Social, and Cultural Rights, article 11.1.
4. Article 11.
5. New internationalist the people, the idea, the action in the fight for global justice, [http: //www.newint.org/issue229/medals4.htm](http://www.newint.org/issue229/medals4.htm)
6. Principles of Successful Rental Property management, [http: //www.mmha.com/web%20revamp/ready/principles%20of%20Rental%20property%20managmetn.htm](http://www.mmha.com/web%20revamp/ready/principles%20of%20Rental%20property%20managmetn.htm).

## END NOTES FOR CHAPTER TWO

1. ***Constitution of the Federal Democratic Republic of Ethiopia***,  
(1995), procl. No. 1, Fed. Neg. Gazt., Year 1, No. 1. Art. 90(1)
2. Agency for Government Houses Establishment Proclamation,  
(2007), Proc. No. 555, Negarit Gazeta No 2, Article, 5.
3. Agency for Government Houses Establishment Proclamation,  
(2007), Proc. No. 555, Negarit Gazeta No 2, Article, 6.
4. Civil Code of Ethiopia 1960, Art. 2196.

### **END NOTES FOR CHAPTER THREE**

1. Wade h.w.r and forsyth c.f.f, Administrative Law, Oxford University Press, 2004, P. 330
2. Interview with 10 residents of Lideta Sub City.
3. Id., P. 32
4. Id., P. 35.
5. Id., P. 117

## BIBLIOGRAPHY

### *Table of Laws*

Agency for Government Houses Establishment Proclamation. (2007),  
Procl. No. 555 Fed. **Neg. Gaz.**, No. 2

Constitution of the Federal Democratic Republic of Ethiopia, (1995),  
Proc. No. 1, Fed. **Neg. Gaz.**, year 1, No. 1

The Ethiopian Civil Code, (1960), Pro. No. 165, **Neg. Gaz.**, year 19, No. 2.

**The Universal Declaration of Human Rights.**

**International Covenants on Economic, Social, and Cultural Rights.**

Administration of Governments House in Addis Ababa City  
Administration Regulation, (1996), Reg. No. 11, **Fed. Neg. Gaz.**

### *Table of Books*

Goran Melandar and Gudmundur, **The Ravi Wallenbergi Compilation  
of Human Rights Instruments**, Martinus Nijhoff Publishers,  
1997.

HWR Wade and C.F.F. Forsyth, **Administrative Law**, Oxford University  
Press, 2004.

## DECLARATION

I hereby declare that this paper is my original work and I take full responsibility for any failure to observe the conventional rules of citation.

Name\_\_\_\_\_

Signature



This work is licensed under a  
Creative Commons  
Attribution - Noncommercial - NoDerivs 4.0 License.

To view a copy of the license please see:  
<http://creativecommons.org/licenses/by-nc-nd/4.0/>

This is a download from the BLDS Digital Library on OpenDocs  
<http://opendocs.ids.ac.uk/opendocs/>